

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 1:15-cr-00006-MR-DLH**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) **O R D E R**
)
DOMINIQUE LAMAR FORE,)
)
Defendant.)
)

THIS MATTER is before the Court on the Defendant's Motion to Suppress [Doc. 11]; the Magistrate Judge's Memorandum and Recommendation regarding that motion [Doc. 26]; and the parties' objections to that recommendation [Docs. 27, 28].

On April 10, 2015, the Honorable Dennis L. Howell, United States Magistrate Judge, conducted an evidentiary hearing on the motion to suppress. On September 18, 2015, the Magistrate Judge issued a Memorandum and Recommendation, recommending that the motion to suppress be granted in part and denied in part. [Doc. 26]. Both the Defendant and the Government timely filed Objections to the Memorandum and Recommendation. [Docs. 27, 28].

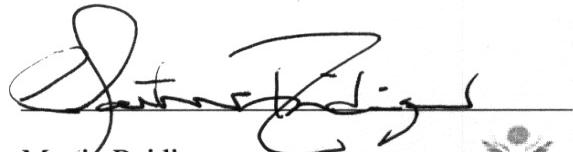
Upon conducting a *de novo* review of the Memorandum and Recommendation, the Court finds that the Magistrate Judge's proposed findings of fact are correct and that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge's recommendation that the Defendant's Motion to Suppress be granted in part and denied in part.

IT IS, THEREFORE, ORDERED that the parties' Objections to the Magistrate Court's Recommendation [Docs. 27, 28] are **OVERRULED**; the Magistrate Judge's Memorandum and Recommendation [Doc. 26] is **ACCEPTED**; and the Motion to Suppress [Doc. 11] is **GRANTED IN PART** and **DENIED IN PART** as follows:

- (1) The Motion to Suppress is **DENIED** as to the clear jar of marijuana and its contents and the box of ammunition and its contents.
- (2) The Motion to Suppress is **GRANTED** as to the remaining items seized in the search, including: the heroin discovered in the glasses case; the firearm discovered in the duffle bag; other items discovered in the room (scales, plastic bags, cell phones, and a glass pipe); and the Defendant's statements regarding the ownership of the marijuana.

IT IS SO ORDERED.

Signed: December 14, 2015



Martin Reidinger
United States District Judge

